

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13939, of William and Virginia Cobb, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7107.21), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) to construct a rear addition to a single family row dwelling which is a non-conforming structure in an R-1-B District at premises 2326 California Street, N.W., (Square 2519, Lot 46).

HEARING DATE: March 23, 1983  
DECISION DATE: April 6, 1983

FINDINGS OF FACT:

1. The subject property is located midblock on the south side of California Street between 23rd and 24th Streets, N.W. It is in an R-1-B District and is known as 2326 California Street, N.W.

2. The subject site is flat and rectangular in shape with twenty-five feet of frontage on California Street. The existing lot is non-conforming in that it contains approximately 2,437 square feet of land area, while a 5,000 square foot minimum lot area is required in the R-1-B District. The lot width is twenty-five feet. The required minimum lot width is fifty feet in the R-1-B District. The rear yard is approximately forty-five feet. The minimum required rear yard is twenty-five feet.

3. The site is improved with a three story plus basement rowhouse. The structure is a non-conforming dwelling built prior to the 1958 Zoning Regulations. The dwelling is non-conforming with regard to the side yard requirements and the lot occupancy requirements. Side yards of eight feet are required in the R-1-B District. The existing dwelling is built on the lot line on both sides. According to the Zoning Regulations, no more than forty per cent, or 975 square feet of the subject lot, may be occupied. The structure presently occupies 1,200 square feet.

4. The subject dwelling abuts a similar three story plus basement structure to the east. Adjacent on the west is a three story dwelling which is considerably lower in

height and is set back from the front and east side lot lines.

5. The applicants propose to renovate the existing porches which are rotting and uninsulated. Additionally, the porches will be extended southward four feet on the first floor and two feet on the second floor. A portion of the basement would be extended southward an additional two feet to form a greenhouse. The applicant further proposes to construct a trellis from the line of the existing porch over to the lot line on the west side.

6. The proposed modifications to the existing structure require three variances. The first variance is to allow an addition to a non-conforming structure which now exceeds the allowable percentage of lot occupancy in the R-1-B zone.

7. The second variance is from the lot occupancy requirements. The applicants propose to cover an additional sixty square feet of the lot. A twenty-nine percent occupancy variance is required, based on the total lot occupancy including the existing building and the addition.

8. The third variance is from the side yard requirements. The proposed trellis would fill in a portion of an existing six foot court adjacent to the reconstructed porch areas. An eight foot variance, or 100 percent, is required on the east side. On the west side, a two foot variance or twenty-five percent is required.

9. Given the narrow width of the lot, if two eight foot side yards were provided, any new construction could be no more than nine feet wide.

10. The applicants intend to utilize the extended first floor porch as a breakfast area. The extended second floor area will serve as a study room and library. A similar expansion to this proposed construction was incorporated in the abutting structure to the east. The adjacent structure to the west is sufficiently low and removed from the proposed addition so that there will be no impact on the light, view and air space of that building. The proposed trellis will enhance the privacy for both structures.

11. The structural modifications will provide the subject dwelling with equivalent interior space to other nearby structures.

12. Three letters in support of the subject application were received from owners of property immediately west and south of the site.

13. Advisory Neighborhood Commission 1D, by letter of March 11, 1983, reported that it voted to support the application. At a meeting during which the application was discussed, no person residing near the property attended to voice objections. The Chairman of the ANC 1D reported that she had viewed the architectural drawings of the proposed modifications and had personally discussed the issues with the applicant. The Commission voted unanimously to support the application.

14. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:


Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires evidence of a practical difficulty inherent in the property itself. The Board notes that the subject structure is a row house, that it never provided side yards and that the site and structure became non-conforming when the District in which the property is located was rezoned in 1958. The Board concludes that the practical difficulty is inherent in the land. The Board further concludes that the area addition is minimal in view of the extensive rear yard.

The Board further concludes that the testimony and documentary evidence in the record indicate that the proposed addition will not be objectionable and will not be inconsistent with the intent and purposes of the regulations. The Board concludes that the requested relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Carrie Thornhill, Maybelle Taylor Bennett, William F. McIntosh, Donald J. Patton and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

JUN 14 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

13939order/JANE13